

CITY OF SAINT MARYS REGULAR COUNCIL MEETING

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January 15, 2007

CALL TO ORDER

The regular monthly Council meeting of the City of Saint Marys was called to order by Mayor Sally Geyer on Monday, January 15, 2007 at 7:00 p.m. The meeting was held in the Council Room of City Hall, 11 LaFayette Street. Notice of the meeting was sent to Council on January 11, 2007, posted at City Hall, and published in the Daily Press.

ROLL CALL

Present: Mayor Sally Geyer, Dennis Nero, Steven Skok, Mark Kopp, Thomas Farley, Richard Dornisch, Sean Gabler, City Manager David Greene, and City Solicitor Stephen French

VISITORS

Visitors included: Wayne Greenthaner, Robin Dubler, Dan Greenthaner, Christine Gavazzi, Richard Sadley, John Schatz, Bekki Titchner, Russ Braun, Wendel H. Lion, John Moran, Emily Leithner, Rick Gabler, Jr., Katie Weidenboerner, Kell & James Ogletree, Janice & Tony Pfeufer, Warren Stewart, Tina Gnan, David Wehler, Bob Yoder, and Greg Patryna

APPROVAL OF MINUTES  
January 2, 2007

Mark Kopp made a motion to approve the minutes of January 2, 2007, seconded by Sean Gabler, and all were in favor.

SPECIAL  
PRESENTATIONS:

Russ Braun, Elk  
County Solid  
Waste Authority  
re: Recycling

Russ Braun, Chairman of the Elk County Solid Waste Authority, was present to discuss the recycling issues in St. Marys. He noted that due to the lack of funding from the tipping fees, the Authority will be discontinuing the roll-off recycling containers in St. Marys sometime this year. Mr. Braun stated the County hired Michele Nestor, of Nestor Resources, to do a study of St. Marys and the County's recycling programs.

Dennis Nero asked if the Authority is writing letters to state representatives to get the legislation on tipping fees changed? He also inquired when the County pulls the roll-off containers from the City, will DEP recognize the City's recycling program as being legal?

Bekki Titchner,  
Elk County Solid  
Waste Authority

Bekki Titchner, of the Elk County Solid Waste Authority, noted that there have been discussions between Harrisburg and DEP regarding the loss of administrative funds for recycling programs.

Christine Gavazzi,  
County Commissioner

Christine Gavazzi, Elk County Commissioner, stated that the County wants to help the City with their recycling efforts. She suggested that the City contact DEP and the Recycling Task Force for ideas.

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Russ Braun presented an agreement prepared by the County's Solicitor. The agreement stated St. Marys could receive Act 101 grant monies to be used for the purchase of a new recycling truck to expand the City's curbside recycling program. As a condition of the grant award, the City must provide a 10% match of the purchase price of the truck. The County and/or the Authority will deliver to the City monies equivalent to the City's required 10% match of the purchase price for the truck not to exceed \$12,000. No action was taken on the agreement.

Bob Yoder,  
Susquehanna Valley  
Group

Bob Yoder, of the Susquehanna Valley Group, gave a very informative presentation. He informed Council that modifications are being made to the original plans for further development. He noted that Susquehanna Valley Group is negotiating with Career Link to purchase their building and build market-rate apartments for rent. Career Link would be moved into the lower level of a new building with other commercial businesses. Town houses will be constructed in the lot with commercial spaces beneath them. Industrial Steel & Pipe will be relocated and a parking garage will be constructed at this site. ATA will also be part of the project. Plans also include creating a park behind the parking garage.

Bob Yoder then recommended that Council adopt a Resolution tonight to submit to DCED creating an Enterprise Zone in the downtown area.

**CITIZEN COMMENTS  
ON AGENDA TOPICS**

Tony Pfeufer

Tony Pfeufer expressed his concerns regarding the right-of-way in the Frey Subdivision Application.

Warren Stewart

Warren Stewart felt the Council's agenda should be explained in more detail in the Daily Press and he also noted there were changes from tonight's agenda from the press article in Saturday's newspaper.

Solicitor French informed Mr. Stewart that the agenda can be changed any time up to the Council meeting. There is no requirement to publish the agenda. The agenda is published in the newspaper as a courtesy to the public.

John Schatz

John Schatz questioned where does the \$2.00 tipping fee come from that was lost? He was informed that the \$2.00 was a fee paid by the haulers to the landfill which was passed onto the Elk County Solid Waste Authority.

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**MANAGER'S REPORT**

Manager Greene presented the following report:

- Met with representatives of the Fire Dept. and PEMA on December 13th to sign the loan documents for the purchase of the KME Aerial Ladder truck.
- Tim Brennan and I met with Greg Markievich from National Fuel Gas to discuss the Airport Industrial Park Project.
- On December 19th, Carol Muhitch and I attended a meeting at the courthouse to discuss the new software that will be available to the Tax Collectors in 2007.
- Met with Katie Weidenboerner to discuss the Sheetz Project for downtown.
- January 5th, attended a meeting with members of the Recreation Board, engineer, and the electrical contractor to discuss the lighting problems at Luhr Park.
- Met with Bob Yoder, Harry Carr, and Carbon Center Realty on January 9th to discuss the Industrial Steel Project.

**APPROVAL OF  
EXPENDITURES**

Richard Dornisch made a motion to approve the Expenditures Report for December 16, 2007 thru January 12, 2007, seconded by Thomas Farley, and all were in favor.

**LEGISLATIVE ACTION:  
Consider for Adoption:  
Resolution No. 07-1**

Resolution No. 07-1 was presented amending Resolution No. 04-3 pertaining to the City of St. Marys fee schedule. Steven Skok made a motion to adopt Resolution No. 07-1 and seconded by Mark Kopp.

Dennis Nero asked for a synopsis of the changes to the fee schedule. The Manager stated the following fees shall be changed and/or revised: the fee for an excavation permit was revised; the fee for engineering design and services were added to be 10% of project cost; notary services will be \$2.00 plus a \$5.00 clerical fee; the fees for engineering and GIS mapping have been added; sewage disposal system on lot-SEO services; subdivision work by SEO; mileage paid at the current IRS rate; and there will be no refund of any permit application fee once the processing of the application has started.

Motion Passed

All were in favor to adopt Resolution No. 07-1.

Resolution No. 07-2  
re: CDBG 2007  
Application

Resolution No. 07-2 was presented authorizing the submission of the CDBG application for 2007. Tina Gnan explained that the City did not receive it's



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allocation for 2007, as of this date, so the application will be held until February for submission to DCED. Ms. Gnan stated the figures will be added when received and that this Resolution just authorizes the City to submit their application. Mark Kopp made a motion to adopt Resolution No. 07-2, seconded by Sean Gabler, and all were in favor.

Resolution No. 07-3  
re: Enterprise Zone

Resolution No 07-3 was presented authorizing and approving the filing of an application with DCED designating the Impact Project as an Enterprise Zone. The Manager explained that the Enterprise Zone would run from the Stackpole Complex to where the Towne House is located on Center Street extending the Redevelopment Area. The Enterprise Zone allows commercial, industrial and manufacturing businesses in that area to apply for tax credits for improvements.

Thomas Farley made a motion to adopt Resolution No. 07-3, seconded by Richard Dornisch, and all were in favor.

**Subdivision Applications:**  
Martha Greenthaner  
Estate, West Theresia  
Road

A Subdivision Application was presented for Martha Greenthaner Estate, West Theresia Road. This subdivision is to divide the lands of the Martha Greenthaner Estate into four parcels for family members. Parcel five will be conveyed to the present owner of parcel one.

1st motion

Dennis Nero made a motion to approve the subdivision and seconded by Sean Gabler.

Thomas Farley noted that there are several discrepancies between the deed and the map as follows:

**Parcel 5**

In the deed description, the first mentioned "southeast" should be "southwest". No. 4 - in the second thereof degrees minutes & seconds do not match with the map.

**Combined Parcel 1 and 5**

No. 4 - in the second thereof is the same as in No. 4 in Parcel 5 above.

No. 5 - 230.33 feet should be 203.33 feet a difference of 27 feet.

1st motion  
pulled

Dennis Nero pulled his motion to approve the subdivision with Sean Gabler pulling his second to the motion.

2nd motion

Thomas Farley made a motion to send this subdivision application back to the Planning Commission to get these issues resolved, seconded by Steven Skok, and all were in favor.

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**Subdivision Application**  
Norbert Frey,  
North St. Marys Road

A Subdivision Application was presented for Norbert Frey, North St. Marys Road. This subdivision will divide this particular lot into two parcels. Parcel one will go to a daughter and parcel two will be the residue lands of Norbert Frey. Sean Gabler made a motion to approve the Subdivision Application, and seconded by Dennis Nero.

Richard Dornisch felt the subdivision issues should be extended for two weeks so Mr. Pfeufer could present the issue to the Planning Commission.

Sean Gabler stated the application clearly states one way or another, the Freys must have a 50 foot right-of-way.

Dennis Nero stated that even if the application goes back to the Planning Commission they cannot make the decision on the land. They would have to go to court to settle the right-of-way problem.

Solicitor French noted that the Planning Commission is not a court and has no power to solve this matter. Disputes between property lines is a private issue. The City should not get involved.

Thomas Farley stated there were discrepancies with numbers and placements on the map as follows:

Parcel 2

Parcel 1 should not be included in Parcel 2.  
Under Excepting and Reserving, No. 2 -  
1,516.06 feet should be 156.06 ft. No. 3 -  
283.15 feet should be 283.13 feet.

Corrective Deed - Should not be included.

Notes on the Plat

No. 4 - describes the residue lands consist of 48.3 acres while the labels identifying the residual lists 49.826 acres (which is correct?) No. 5 - describes a right-of-way and a parcel that does not exist on the plat.

1st motion  
rescinded

1st motion was rescinded by Sean Gabler and 2nd motion rescinded by Dennis Nero.

2nd motion

A motion was made by Mark Kopp to table the subdivision application until word is received from the Planning Commission. The motion was seconded by Sean Gabler, and all were in favor.

**TOPIC FOR DISCUSSION**  
Crestview Road

Mayor Geyer stated she has driven up Crestview Road and that it looks like Mr. Grotzinger's driveway and that he would like the City to take the

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road over. She also stated that he has land for sale at the end of the road, but at this time it is just the surgical center and his house.

Dennis Nero stated that if the road is not going to benefit more residents, the City should not take the road over.

Thomas Farley would like to see a map that includes all the properties.

No action was taken.

**CITIZEN COMMENTS  
ON NON-AGENDA TOPICS**  
Warren Stewart

Warren Stewart expressed his opinion regarding the review of Subdivision Applications. He asked if the Planning Commission reviews the applications before submitting them to Council?

John Schatz

John Schatz, member of the St. Marys Planning Commission, noted that the board does review the applications and that legal advice sometimes is needed.

Solicitor French

Solicitor French stated he is not permitted to give legal advice to the Zoning Hearing Board or the Planning Commission. The Planning Commission needs to get in contact with their solicitor.

John Schatz

John Schatz questioned if the Enterprise Zone would have any jurisdiction over the applications for the Historical Zone? Manager stated it would not.

**COUNCIL COMMENTS**

Thomas Farley stated he was contacted by a resident regarding the new Zoning Ordinance passed by Council. The resident asked what would happen if a resident constructs a building on his property and finds out later that he needs a building permit?

Manager stated the resident should apply for a building permit, if he cannot comply with the Zoning Ordinance, he'll either have to get a variance from the Zoning Board or remove the structure.

**ANNOUNCEMENTS**

Mayor Geyer made the following announcements:

- Next Council meeting will be held on Monday, February 5, 2007 at 7:00 p.m.
- On January 24, 2007 at 7:00 p.m. a meeting will be held between City Council and the St. Marys Municipal Authority at City Hall.

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ADJOURNMENT

Steven Skok made a motion to adjourn the meeting.

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Mayor

Shirley Ricklas  
Recording Secretary